

Docket No.: 0102258.00368US2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David S. GARVEY et al. Confirmation No.: 8446  
Application No.: 10/581,340 Art Unit: 1626  
Filed: June 2, 2006 Examiner: J. M. Nolan  
Title: NITRIC OXIDE RELEASING PYRUVATE COMPOUNDS,  
COMPOSITIONS AND METHODS OF USE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

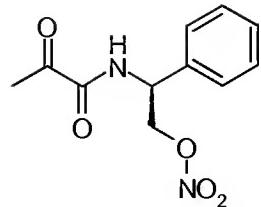
In response to the restriction requirement set forth in the Office Action mailed September 29, 2008, Applicant hereby provisionally elects claims 1-4, 11-15, 19 and 20 for continued examination.

Applicants respectfully elect Examiner's Group I drawn to compounds, compositions and kits of Formula (I).

In response to the election of species, Applicant provisionally elect N-[(1S)-2-(nitrooxy)-1-phenylethyl]-2-oxopropanamide; with traverse. The compound has the following structure:

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The synthesis of the compound is disclosed in Example 4 in the specification at, for example, page 63, line 28 to page 64, line 27.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0102258.00368US2 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: October 21, 2008

/Belinda M. Lew/  
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